

Assembly Bill No. 2404

Passed the Assembly August 29, 2006

Chief Clerk of the Assembly

Passed the Senate August 24, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, Klehs. State government: reports: declarations.

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would additionally require any of these written reports required to be submitted by any state agency, board, or commission and specified reports required to be submitted to the Controller by any city, county, city and county, or transit district, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge. The bill would provide that this requirement applies to the head of every state agency, board, or commission, including elected officials of the state and any state official whose duties are prescribed by the California Constitution.

This bill would also make any person who declares as true any material matter pursuant to this section that he or she knows to be false liable for a civil penalty not to exceed \$20,000, to be assessed and recovered exclusively in the name of the people of the State of California by the Attorney General.

The people of the State of California do enact as follows:

SECTION 1. Section 7550.7 is added to the Government Code, to read:

7550.7. (a) (1) Notwithstanding any other provision of law, every written report, as defined in paragraph (2) of subdivision (a) of Section 7550.5, required to be submitted to the Legislature by any state agency, board, or commission, shall include a signed statement by the head of that agency, or chair of the board or

commission, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge.

(2) In the case of a board or commission whose chair is subject to paragraph (1), as described in subdivision (b), if the board or commission has an executive officer or executive director, the signed statement described in paragraph (1) shall be made by the executive officer or executive director.

(3) With respect to the Franchise Tax Board, the signed statement described in paragraph (1) shall be made by the executive officer of that board, and with respect to the State Board of Equalization, the statement shall be made by the executive director of that board.

(b) Paragraph (1) of subdivision (a) applies to the head of every state agency, board, or commission, including, but not limited to, elected officials of the state and any state official whose duties are prescribed by the California Constitution.

(c) Notwithstanding any other provision of law, every written report required to be submitted to the Controller pursuant to the following provisions shall include a signed statement by the officer of the local agency, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge:

(1) Reports submitted by a city, county, city and county, or transit district pursuant to Section 53891.

(2) Reports submitted by a city, county, or city and county pursuant to Section 2151 of the Streets and Highways Code.

(3) Reports submitted by a transit district pursuant to Sections 99243 and 99406 of the Public Utilities Code.

(d) Any person who declares as true any material matter pursuant to this section that he or she knows to be false shall be liable for a civil penalty not to exceed twenty thousand dollars (\$20,000). The civil penalties provided for in this section shall be exclusively assessed and recovered in a civil action brought in the name of the people of the State of California in any court of competent jurisdiction by the Attorney General.

Approved _____, 2006

Governor